

Introduced and Read for the First Time: May 20, 2014
Introduced and Read for the Second Time: June 3, 2014
Ordinance Passed ___, Passed As Amended X, or Rejected ___: June 3, 2014

TOWN OF BRENTWOOD ORDINANCE 2014 -07

AN ORDINANCE TO AMEND CHAPTER 143 LITTERING WITHIN THE TOWN OF BRENTWOOD

A Charter Ordinance of the Mayor and Council of the Town of Brentwood, Maryland adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (2005 Replacement Volume).

WHEREAS, Section 401.0 (“**General powers**”) of the Brentwood Charter states that “The Council shall have the general power to pass all such ordinances ... as it may deem necessary for the good government of the Town”; and

WHEREAS, the Mayor and Council of the Town of Brentwood desires to eliminate blight within the Town boundaries; and

WHEREAS, the Mayor and Council desire to amend Chapter 143 (“**LITTERING**”) to the Brentwood Charter, to establish procedures effecting clean lots and abatement polices within Article 1 “**Clean Lots**”; and

WHEREAS, the Mayor and Council are proposing the adoption of fees and cost estimates to implement this Chapter and penalties as part of this ordinance;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Brentwood amends the Brentwood Charter Chapter 143 (“**LITTERING**”) which shall read as follows:

1. § 143-5. Notice to remove. is amended to add at the end of the paragraph the following sentence:
“Such notice shall identify the specific violation(s) of the Town’s Code of Ordinances and include a cost estimate, as determined by the Town Administrator or Code Enforcement Officer, for the removal and or disposal of the litter in the event that the Town incurs expenses to remove such litter due to the failure of the owner or responsible person to comply with the notice to remove.”
2. § 143-5. Notice to remove. is amended to designate the existing paragraph as “A” and insert a new paragraph as follows:
“B. Cost Estimate. The Town Administrator or Code Enforcement Officer shall have the authority to prepare a cost estimates to provide the owner or responsible person upon notification of the notice to remove. The cost estimate shall include all reasonable costs for removal and disposal of litter found on the property(ies) to be abated to reflect:

(1) The time and labor expense of the Town's Maintenance Department staff involved in the removal and disposal of the litter. The time and labor expense shall commence on the date of the removal of the litter as specified in the Notice of Removal;

(2) The time and labor expense of the Code Enforcement Officer staff involved in the supervision of the Maintenance Department during the removal of the litter from the property(ies);

(3) The dumpster rental costs, tipping and all other fees associated with storage and safe disposal of the litter; and

(4) An impoundment fee of no greater than twenty-five dollars (\$25.00) per calendar day for any litter stored by the Town, until such time as the owner or responsible person reclaims the litter removed from the property(ies) or gives the Town notification that he relinquishes all rights to the litter.

(5) The cost estimate provided under § 143.5 is a non-binding and initial estimate for the removal, storage and disposal of the litter, based on the visual assessment of the maintenance and code enforcement staff, and is subject to change based on the actual costs for removal, storage, and disposal of the litter. The owner or responsible person will be billed for actual costs.

(6) After thirty (30) calendar days from the date of the removal of the litter from the property(ies), any litter remaining or unclaimed shall become the property of the Town and will be disposed of in an appropriate manner."

3. § 143-7. Recovery of costs of removal. is amended to strike the second sentence and insert the following: "If the bill referenced in § 143-6(A) is not paid within thirty (30) calendar days, the owner or responsible party shall be assessed a penalty equivalent to one-half the total costs for removal, storage, and disposal of the litter and notified in the manner described in § 143-5 of the assessed penalty and that the Town is initiating steps to charge the owner of such property for all charges on the next regular tax bill. If the bill referenced in § 143-6(A) is not paid within sixty (60) calendar days, the Treasurer shall take all necessary steps to charge all outstanding costs and any additional penalties incurred to the owner of such property on the next regular tax bill forwarded to such owner by the Town, and such charges shall be due and payable by such owner at the time of payment of such bill."

4. Within Article I § 143-10. No Liability is added and all subsequent sections are renumbered accordingly. § 143-10. No Liability shall read as follow: "The Town assumes no liability and shall not be legally responsible in any way for any damages or loss of any kind to persons or property in undertaking the performance of any work the owner is obligated to perform under this Chapter. The owner shall be solely responsible for any and all damages to persons or property that might arise from any work performed by the Town due to the inaction of the owner or responsible person."


BE IT FURTHER RESOLVED that each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the

finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.


BE IT FURTHER RESOLVED that the aforementioned ordinance shall become effective 30 days following its enactment.


READ AND ADOPTED THIS 3 day of June, 2014.

ATTEST/WITNESS:

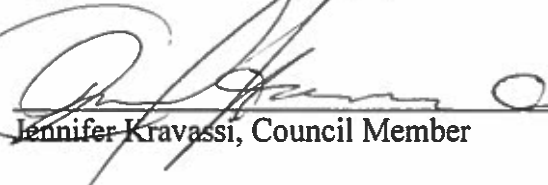

Jeannette Prevots, Town Clerk

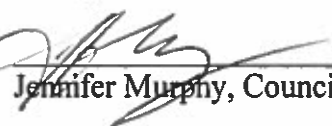
Mayor and Town Council of Brentwood, Maryland

 *mayor.*
E James Cooksey, Mayor


Rocio Treminio-Lopez, Vice Mayor


Jason Barnett, Council Member


Jennifer Kravassi, Council Member


Jennifer Murphy, Council Member

